



Tr CMP.No.848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.848 of 2024 &
CMP.No.18766 of 2024

D.Kamali : Petitioner

versus

D.Chandrachud : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.438 of 2024 on the file of the learned Family Court, Salem and to transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.R.T.Vishnu

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks



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withdrawal of H.M.O.P.No.438 of 2024 from the file of the Family Court, Salem and transfer the same to the file of the Sub Court in Tambaram.

2. I heard Mr.R.T.Vishnu for the petitioner. I have gone through the affidavit.

3.Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 03.09.2017. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.438 of 2024 for divorce before the learned Family Judge at Salem. Pleading that she is residing in Tambaram and unable to travel from Tambaram to Salem, the wife has moved this transfer petition.



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5. The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in a place where she is residing. This is an indication to the Court that the convenience of the wife has to be given precedence by the Court. In line with this Parliamentary amendment, this Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Tambaram and Salem is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.438 of 2024 is withdrawn from the file of the Family Court at Salem and is transferred to the file of the Sub Court at Tambaram.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



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V.LAKSHMINARAYANAN, J.
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To

- 1.The Family Judge, Family Court, Salem
- 2.The Subordinate Judge, Sub Court, Tambaram

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